

AMENDED IN ASSEMBLY JUNE 29, 2006

AMENDED IN SENATE APRIL 18, 2006

SENATE BILL

No. 1474

Introduced by Senator Figueroa

February 23, 2006

~~An act to add Sections 7305 and 7320.5 to~~ *An act to amend Section 7331 of, add Sections 7305 and 7320.5 to, and to repeal and add Section 7303 of, the Business and Professions Code, relating to barbering and cosmetology.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Figueroa. State Board of Barbering and Cosmetology.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of barbering and cosmetology. Existing law establishes the State Board of Barbering and Cosmetology and provides for its membership.

*This bill would repeal the provisions creating the board and would create a new State Board of Barbering and Cosmetology. The provisions establishing the new board would become inoperative on July 1, 2009 and would be repealed on January 1, 2010. This bill would also require the board to ~~annually~~ elect officers *annually* from among its members, each of whom would hold office for a term of one year.*

Under existing law, a licensee that uses an X-ray appliance, apparatus or machine in the treatment of any human being is guilty of a misdemeanor.

The bill would make it a misdemeanor for any licensee to use a laser in the treatment of any human being.

Existing law allows the board to grant a license to practice to a person holding a license in another state with proof that the applicant has not been subject to disciplinary action in that state or upon review of the disciplinary action taken.

This bill would revise the application requirements for out-of-state license holders, as specified.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7303 of the Business and Professions
2 Code is repealed.

3 7303. ~~(a) Notwithstanding Article 8 (commencing with~~
4 ~~Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of~~
5 ~~the Government Code, there is in the Department of Consumer~~
6 ~~Affairs the State Board of Barbering and Cosmetology in which~~
7 ~~the administration of this chapter is vested.~~

8 ~~(b) The board shall consist of nine members. Five members~~
9 ~~shall be public members and four members shall represent the~~
10 ~~professions. The Governor shall appoint three of the public~~
11 ~~members and the four professions members. The Senate~~
12 ~~Committee on Rules and the Speaker of the Assembly shall each~~
13 ~~appoint one public member. Members of the board shall be~~
14 ~~appointed for a term of four years, except that of the members~~
15 ~~appointed by the Governor, two of the public members and two~~
16 ~~of the professions members shall be appointed for an initial term~~
17 ~~of two years. No board member may serve longer than two~~
18 ~~consecutive terms.~~

19 ~~(c) The board shall appoint an executive officer who is exempt~~
20 ~~from civil service. The executive officer shall exercise the~~
21 ~~powers and perform the duties delegated by the board and vested~~

1 in him or her by this chapter. The appointment of the executive
2 officer is subject to the approval of the director. In the event that
3 a newly authorized board replaces an existing or previous bureau,
4 the director may appoint an interim executive officer for the
5 board who shall serve temporarily until the new board appoints a
6 permanent executive officer.

7 (d) The executive officer shall provide examiners, inspectors,
8 and other personnel necessary to carry out the provisions of this
9 chapter.

10 (e) This section shall become inoperative on July 1, 2007, and,
11 as of January 1, 2008, is repealed, unless a later enacted statute,
12 which becomes effective on or before January 1, 2008, deletes or
13 extends the dates on which it becomes inoperative and is
14 repealed.

15 *SEC. 2. Section 7303 is added to the Business and*
16 *Professions Code, to read:*

17 *7303. (a) Notwithstanding Article 8 (commencing with*
18 *Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of*
19 *the Government Code, there is in the Department of Consumer*
20 *Affairs the State Board of Barbering and Cosmetology in which*
21 *the administration of this chapter is vested.*

22 *(b) The board shall consist of nine members. Five members*
23 *shall be public members and four members shall represent the*
24 *professions. The Governor shall appoint three of the public*
25 *members and the four professions members. The Senate*
26 *Committee on Rules and the Speaker of the Assembly shall each*
27 *appoint one public member. Members of the board shall be*
28 *appointed for a term of four years, except that of the members*
29 *appointed by the Governor, two of the public members and two*
30 *of the professions members shall be appointed for an initial term*
31 *of two years. No board member may serve longer than two*
32 *consecutive terms.*

33 *(c) The board shall appoint an executive officer who is exempt*
34 *from civil service. The executive officer shall exercise the powers*
35 *and perform the duties delegated by the board and vested in him*
36 *or her by this chapter. The appointment of the executive officer is*
37 *subject to the approval of the director. In the event that a newly*
38 *authorized board replaces an existing or previous bureau, the*
39 *director may appoint an interim executive officer for the board*

1 *who shall serve temporarily until the new board appoints a*
2 *permanent executive officer.*

3 *(d) The executive officer shall provide examiners, inspectors,*
4 *and other personnel necessary to carry out the provisions of this*
5 *chapter.*

6 *(e) This section shall become inoperative on July 1, 2009, and,*
7 *as of January 1, 2010, is repealed, unless a later enacted statute,*
8 *which becomes effective on or before January 1, 2010, deletes or*
9 *extends the dates on which it becomes inoperative and is*
10 *repealed.*

11 **SECTION 1.**

12 **SEC. 3.** Section 7305 is added to the Business and
13 Professions Code, to read:

14 7305. The board ~~annually shall elect officers~~ *shall elect*
15 *officers annually* from among its members, each of whom shall
16 hold office for a term of one year. An officer shall not serve, in a
17 particular officer position, ~~for~~ more than two terms.

18 ~~SEC. 2.~~

19 **SEC. 4.** Section 7320.5 is added to the Business and
20 Professions Code, to read:

21 7320.5. Any licensee who uses a laser in the treatment of any
22 human being is guilty of a misdemeanor.

23 **SEC. 5.** *Section 7331 of the Business and Professions Code is*
24 *amended to read:*

25 7331. The board ~~may~~ *shall* grant a license to practice to an
26 applicant if the applicant submits all of the following to the
27 board:

28 (a) A completed application form and all fees required by the
29 board.

30 (b) Proof of a current license issued by another state to
31 practice that ~~is not revoked or suspended or otherwise restricted.~~
32 *meets all of the following requirements:*

33 *(1) It is not revoked, suspended, or otherwise restricted.*

34 *(2) It is in good standing.*

35 *(3) It has been active for three of the last five years, during*
36 *which time the applicant has not been subject to disciplinary*
37 *action or a criminal conviction.*

38 ~~(c) Proof that the applicant has not been subject to disciplinary~~
39 ~~action by any state in which he or she is or has been previously~~
40 ~~licensed to practice. If the applicant has been subject to~~

1 ~~disciplinary action, the board shall review that action to~~
2 ~~determine if it warrants refusal to issue a license to the applicant.~~

3 ~~(d) Any other information as specified by the board to the~~
4 ~~extent it is required of applicants for licensure by examination~~
5 ~~under this article.~~

6 ~~SEC. 3.~~

7 *SEC. 6.* No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the
12 penalty for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition of a
14 crime within the meaning of Section 6 of Article XIII B of the
15 California Constitution.